IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 15TH JANUARY 2007 / 25TH PAUSHA 1928

WP(C).No. 21171 of 2006(U)

PETITIONER:

TITUS JOSEPH, AGED 36 YEARS,
(ADVOCATE) S/O. JOSEPH K.U. (KARAMKUNNEL)
MANGALAM ESTATE, ANCHUMOORTHY P.O.,
ANAKKAPARA, MANGALAM VILLAGE,
ALATHUR TALUK, PALAKKAD.

BY ADV. SRI.MANJERI SUNDERRAJ
SRI.B.PREMNATH (E)

RESPONDENTS:

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1. STATE OF KERALA REP. BY THE SECRETARY
HOME DEPARTMENT, GOVERNMENT OF KERALA,
SECRETARIAT, TRIVANDRUM.

2. UNNIKRISHNAN (PC 2952)
(POLICE CONSTABLE UNDSER SUSPENSION)
FATHER'S NAME NOT KNOWN, C/O. SHO,
VADAKKANCHERI POLICE STATION, VADAKKANCHERI,
PALAKKAD DISTRICT.

3. V.A. KRISHNADAS, S.I. OF POLICE
(17/02/2006) C/O. SHO, VADAKKANCHERI
POLICE STATION, VADAKKANCHERI,
PALAKKAD DISTRICT.

4. THE SUPERINTENDENT OF POLICE,
PALAKKAD, SP'S OFFICE, PALAKKAD.

5. THE DIRECTOR GENERAL OF POLICE,
GOVT.OF KERALA, DGP'S OFFICE,
KERALA POLICE HEAD QUARTERS, TRIVANDRUM.

BY D.G.P. SRI. P.G. THAMPI.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

R. BASANT, J.

W.P.(C) NO. 21171 OF 2006

Dated this the 15th day of January, 2007

JUDGMENT

The grievance of the petitioner – an Advocate, is that when he accompanied his client to the Police Station to ascertain whether any order of the civil court has been secured as allegedly explained by the adversary and the police officials, he was assaulted and battered at the Police Station. The complaint lodged by him is not being attended to properly by the local police official. The Police Constable concerned i.e., the 2nd respondent, who was under suspension earlier, has now been reinstated. The local police officials are not conducting a proper investigation into the matter. In these circumstances, appropriate directions may be issued, it is prayed.

2. The learned Public Prosecutor took instructions and submitted that the needful is being done. A Circle Inspector of Police is conducting the investigation into both the case and the counter case. Appropriate decision shall be taken and the final report shall be filed.

3. The learned counsel for the petitioner submits that his explanation does not satisfy the petitioner as the petitioner or his witnesses have not been properly examined and no serious efforts to ascertain the truth is undertaken by any of the police officials in charge of the case. He therefore prays that a senior police official may be directed to conduct a proper investigation into both the crimes so that truth can be brought out.

4. I have heard the learned counsel for the petitioner. I have perused the statement filed by the Circle Inspector of Police. The learned Director General of Prosecutions has himself entered appearance before this Court to make his submissions. It is agreed at all hands that the conduct of the investigation by a senior police official will be conducive in the interests of justice considering the nature of the dispute involved as also the fact that the Police Constable and an Advocate in the course of the performance of their duties are allegedly involved in an alleged incident.

5. This writ petition is, in these circumstances, allowed. The 4th respondent is directed to ensure that both the crimes are investigated by a senior competent police official not below the

rank of a Deputy Superintendent of Police. Necessary orders to that effect shall be issued by the 4th respondent within a period of 30 days. Compliance shall be reported to this Court.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge